

DEFENSE

Cooperation

**Agreement Between the
UNITED STATES OF AMERICA
and the PHILIPPINES**

Effectuated by Exchange of Notes
at Manila and Pasay City
July 28 and September 15, 2017



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

PHILIPPINES

Defense: Cooperation

*Agreement effected by exchange of notes
at Manila and Pasay City
July 28 and September 15, 2017;
Entered into force September 15, 2017.*

No. 2018

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs of the Republic of the Philippines and has the honor to refer to earlier discussions between representatives of the two Governments regarding the Foreign Assistance Act of 1961 or successor legislation, including the Global Peace Operations Initiative; the Arms Export Control Act; the Global Security Contingency Fund; 10 U.S.C. § 2282, 10 U.S.C. § 333, and other Department of Defense authorities; and the furnishing of defense articles, related training, and other defense services from the United States of America to the Philippines under such authorities.

In this regard, the Embassy has the honor to refer to the Agreement regarding the provision by the Government of the United States of America of articles and services to the Government of the Republic of the Philippines pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2007 as modified and extended, or successor legislation, effected by exchange of notes at Manila on August 3, 2007 ("2007 Agreement"); the Agreement regarding grants under the Global Peace Operations Initiative (GPOI) of the United States of America and the furnishing of articles and services from the United States of America to the Government of the Republic of the Philippines pursuant to the GPOI, effected by exchange of notes at Manila December 18, 2007 and January 3, 2008 ("2008 Agreement"); and the Agreement regarding grants under the Global Security

DIPLOMATIC NOTE

Contingency Fund (GSCF) of the United States of America, authorized by section 1207 of the National Defense Authorization Act for Fiscal Year 2012, as amended and extended, and the furnishing of articles and services from the United States of America to the Republic of the Philippines pursuant to the GSCF, effected by exchange of notes at Manila and Pasay City October 16 and December 16, 2013 ("2013 Agreement").

In connection with these discussions, the Embassy proposes that the Government of the United States of America and the Government of the Republic of the Philippines agree:

A. That, unless the written consent of the Government of the United States of America has been first obtained, the Government of the Republic of the Philippines shall not:

(I) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee, or agent of the Government of the Republic of the Philippines;

(II) Transfer, or permit any officer, employee, or agent of the Government of the Republic of the Philippines to transfer such defense articles, related training, including training materials, or other defense services by gift, sale, or otherwise; or

(III) Use, or permit the use of, such defense articles, related training, including training materials, or other defense services for purposes other than those for which furnished.

B. That such defense articles, related training, including training materials, or other defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

C. That the net proceeds of sale received by the Government of the Republic of the Philippines in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America; and

D. That the Government of the Republic of the Philippines shall maintain the security of such defense articles, related training, including training materials, or other defense services; that it shall provide substantially the same degree of security protection as that afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation, scheduled inspections, physical inventories and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Republic of the Philippines.

E. That the Government of the United States of America may also, from time to time, make the provision of articles and services furnished under other authority subject to the terms and conditions of the agreement proposed herein. If the foregoing proposals are acceptable to the Government of the Republic of the

Philippines, the Embassy proposes that this note and a note from the Ministry of Foreign Affairs to that effect shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note and shall supersede in their entirety the aforementioned 2007, 2008 and 2013 Agreements.

The Embassy of the United States of America avails itself of this opportunity to renew to the Department of Foreign Affairs of the Republic of the Philippines the assurances of its highest consideration.

Embassy of the United States of America,
Manila, July 28, 2017.



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS
MANILA

No. **17-4555**

The Department of Foreign Affairs of the Republic of the Philippines presents its compliments to the Embassy of the United States of America and acknowledges receipt of the Embassy's Note No. 2018, dated 28 July 2017, which reads as follows:

"The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs of the Republic of the Philippines and has the honor to refer to earlier discussions between representatives of the two Governments regarding the Foreign Assistance Act of 1961 or successor legislation, including the Global Peace Operations Initiative; the Arms Export Control Act; the Global Security Contingency Fund; 10 U.S.C. § 2282, 10 U.S.C. § 333, and other Department of Defense authorities; and the furnishing of defense articles, related training, and other defense services from the United States of America to the Philippines under such authorities.

In this regard, the Embassy has the honor to refer to the Agreement regarding the provision by the Government of the United States of America of articles and services to the Government of the Republic of the Philippines pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2007 as modified and extended, or successor legislation, effected by exchange of notes at Manila on August 3, 2007 ("2007 Agreement"); the Agreement regarding grants under the Global Peace Operations Initiative (GPOI) of the United States of America and the furnishing of articles and services from the United States of America to the Government of the Republic of the Philippines pursuant to the GPOI, effected by exchange of notes at Manila December 18, 2007 and January 3, 2008 ("2008 Agreement"); and the Agreement regarding grants under the Global Security Contingency Fund

(GSCF) of the United States of America, authorized by section 1207 of the National Defense Authorization Act for Fiscal Year 2012, as amended and extended, and the furnishing of articles and services from the United States of America to the Republic of the Philippines pursuant to the GSCF, effected by exchange of notes at Manila and Pasay City October 16 and December 16, 2013 ("2013 Agreement").

In connection with these discussions, the Embassy proposes that the Government of the United States of America and the Government of the Republic of the Philippines agree:

A. That, unless the written consent of the Government of the United States of America has been first obtained, the Government of the Republic of the Philippines shall not:

(I) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee, or agent of the Government of the Republic of the Philippines;

(II) Transfer, or permit any officer, employee, or agent of the Government of the Republic of the Philippines to transfer such defense articles, related training, including training materials, or other defense services by gift, sale, or otherwise; or

(III) Use, or permit the use of, such defense articles, related training, including training materials, or other defense services for purposes other than those for which furnished.

B. That such defense articles, related training, including training materials, or other defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the

Government of the United States of America consents to another disposition;

- C. That the net proceeds of sale received by the Government of the Republic of the Philippines in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America; and*
- D. That the Government of the Republic of the Philippines shall maintain the security of such defense articles, related training, including training materials, or other defense services; that it shall provide substantially the same degree of security protection as that afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation, scheduled inspections, physical inventories and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Republic of the Philippines.*
- E. That the Government of the United States of America may also, from time to time, make the provision of articles and services furnished under other authority subject to the terms and conditions of the agreement proposed herein.*

If the foregoing proposals are acceptable to the Government of the Republic of the Philippines, the Embassy proposes that this note and a note from the Ministry of Foreign Affairs to that effect shall constitute an agreement

between the two Governments, which shall enter into force on the date of the Ministry's note and shall supersede in their entirety the aforementioned 2007, 2008, and 2013 Agreements.

The Embassy of the United States of America avails itself of this opportunity to renew to the Department of Foreign Affairs of the Republic of the Philippines the assurances of its highest consideration."

The Department of Foreign Affairs of the Republic of the Philippines has the honor to confirm that the proposals set forth in the Embassy's note are acceptable to the Government of the Republic of the Philippines and that the Embassy's note and this note in reply shall constitute an Agreement between the two Governments which shall enter into force on this date and shall supersede in their entirety the aforementioned 2007, 2008, and 2013 Agreements.

This Note supersedes the Department's Note No. 17-4081.

The Department of Foreign Affairs of the Republic of the Philippines avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Pasay City, 15 September 2017

A handwritten signature in black ink, consisting of a stylized 'V' shape with a horizontal line extending to the right.

Embassy of the United States of America
City of Manila